IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

OP.No. 22991 of 2002(K)

PETITIONER:

A.V.MATHAI, ANIKUZHIYIL HOUSE,
NAGAPPUZHA P.O., KALLOORKKADU, MUVATTUPUZHA

BY ADV. SRI.P.V.BABY

RESPONDENTS:

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1. THE KALLOORKAD FARMERS CO-OPERATIVE BANK LTD. NO.2605, P.O. KALLOORKAD, MUVATTUPUZHA, REPRESENTED BY ITS MANAGING DIRECTOR -IN-CHARGE.

2. THE ADMINISTRATOR, THE KALLOORKAD FARMERS CO-OPERATIVE BANK LTD.NO.2605, P.O.KALLARKAD, MUVATTUPUZHA (ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) MUVATTUPUZHA.

3. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), MUVATTUPUZHA.

4. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), ERNAKULAM.

BY SPL.GOVT.PLEADER SRI.P.K.RAVIKRISHNAN FOR R3 AND R4
ADV.B.S.SWATHIKUMAR FOR R1 AND R2

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.No.39391/2002 IN OP No. 22991 of 2002(K)

CLOSED

SD/-J.M.JAMES, JUDGE

12TH DECEMBER, 2006

APPENDIX

PETITIONER'S EXTS:-

EXT.P1	TRUE PHOTOCOPY OF DISCHARGE SUMMARY ISSUED FROM THE CARITAS HOSPITAL, KOTTAYAM
EXT.P2	TRUE PHOTOCOPY OF CERTIFICATE DATED 30/11/2001 ISSUED FROM THE MEDICAL COLLEGE HOSPITAL, THRISSUR
EXT.P3	TRUE PHOTOCOPY OF PRESCRIPTION DATED 27/03/2002 ISSUED FROM THE MEDICAL COLLEGE HOSPITAL, THRISSUR
EXT.P4	TRUE PHOTOCOPY OF NOTICE DATED 03/04/2002 ISSUED TO THE PETITIONER BY THE ENQUIRY OFFICER
EXT.P5	TRUE COPY OF REQUISITION DATED 08/04/2002 SUBMITTED BY THE PETITIONER BEFORE THE ENQUIRY OFFICER
EXT.P6	TRUE PHOTOCOPY OF ORDER DATED 31/12/2001 OF THE 4TH RESPONTDENT
EXT.P7	TRUE PHOTOCOPY OF JUDGMENT DATED 25/03/2002 IN OP NO.39266/2001 OF THIS HON'BLE COURT
EXT.P8	TRUE COPY OF REQUISITION DATED 19/02/2002 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT
EXT.P9	TRUE PHOTOCOPY OF PROCEEDINGS DATED 30/03/2002 OF THE 2ND RESPNDENT
EXT.P10	TRUE COPY OF REPRESENTATION DATED 01/07/2002 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT
EXT.P11	TRUE COPY OF COMMUNICATION DATED 22/07/2002 ISSUED BY THE 3RD RESPONDENT.

\\TRUE COPY //

P.A TO JUDGE

J.M.JAMES, J.

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Dated this the 12th day of December, 2006

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Under Exhibit P11 dated 22/07/2002, the third respondent has intimated the petitioner that because of an enquiry that was conducted, under Section 68(1) of the Kerala Co-operative Societies Act, in short 'the Act', and the liabilities, if any, that were to be fixed, the retirement benefits could be released only thereafter. It was challenging the said Exhibit P11, that the present original petition has been filed.

2. It is submitted by the counsel for respondents 1 and 2, that consequent on the order dated 13/08/2002, of this Court, in C.M.P.No.39391/2002, an amount of Rs.1,00,000/- had been released without any security but with an undertaking that it would be repaid with 12% interest, in case, any liabilities are later on found against him. There was also another direction to respondents 1 and 2 to release the remaining portion of the benefits due to the petitioner on the strength of security, to the satisfaction of the bank. Accordingly, the directions have been

complied with and the benefits were released.

3. The counsel for the original petitioner, however, submits that to the knowledge of the writ petitioner no proceedings had been initiated or steps taken either under Sections 68 or 69 of the Act, till date and, therefore, even Exhibit P11 has become infructuous, particularly, in view of the interim order that was passed by this Court, releasing all the benefits due to the petitioner as above.

4. In the above facts situation, I find that no further orders are necessary on Exhibit P11. If any benefits are found due to the petitioner, he may approach the first respondent bank and, in that event, the first respondent bank shall pass appropriate orders, releasing the amount due to him, provided no other proceedings are meanwhile initiated, or pending.

The original petition is closed accordingly.

(J.M.JAMES)
Judge

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J.M.JAMES, J.

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J U D G M E N T

12th December, 2006